

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In re PROS RIVERA,
Debtor.

CHERIE IVEY,
Plaintiff/Appellant,

v.

PROS RIVERA,
Defendant/Appellee.

No. C 07-4333 PJH
Bankr. Case No. 05-32090 TEC
Adv. Case No. 05-3441

**ORDER GRANTING APPELLANT'S
REQUEST FOR EXTENSION
OF TIME TO FILE OPENING BRIEF**

The court has reviewed appellant's November 13, 2007 emergency ex parte application and motion for an extension of time to file her opening brief in the above bankruptcy appeal, which was due November 13, 2007. The court has also reviewed appellant's subsequent November 15, 2007 "emergency declaration" of appellant's counsel, which appears to be an amended request for an extension of time.

At the outset, the court notes that appellant's November 13, 2007 motion was incorrectly labeled an "ex parte" motion, when it was in fact *not* ex parte because the motion was indeed served on opposing counsel. Moreover, the court is aware that appellant's counsel has attempted to contact members of chambers staff via email in his efforts to obtain an extension of time and/or to obtain information on appellant's request for an extension of time. **Counsel's emails are neither appropriate nor authorized by the local rules, and counsel is hereby advised that he may not email chambers staff in the future.**

1 Counsel originally requested only a one-week extension of time in his November 13,
2 2007 request. However, in his November 15, 2007 declaration, he appears to have revised
3 that request, and now seeks a three-week extension of time to file his opening brief due to
4 illness. Good cause appearing, the court GRANTS the request for an extension of time.
5 Appellant must file and serve her opening brief **no later than Tuesday, December 4,**
6 **2007.** Appellee's responsive brief is due **no later than Thursday, December 27, 2007.**
7 Appellant's reply is due **no later than Thursday, January 10, 2007.**

8 **IT IS SO ORDERED.**

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10 Dated: November 19, 2007



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PHYLLIS J. HAMILTON
United States District Judge